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MEDTRONIC, INC.
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OFFICE OF PETITIONS

In re Application of
Bryan J. Zart ET AL..
Application No. 09/885,354
Filed: June 20, 2001
Attorney Docket No.: P-9476.00

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 1, 2002, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to respond in an appropriate and timely manner to the Notice to Filed Missing Parts of Nonprovisional Application ("the Notice") mailed August 13, 2001, which set forth a two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. No reply was received within the allowable period. Accordingly, this application became abandoned on October 14, 2001. A Notice of Abandonment was mailed August 26, 2002.

Petitioner responded to the Notice by filing an executed declaration and an authorization to charge Deposit Account 13-2546 \$110.00 for the petition fee and \$130.00 for the late filing fee. However the fee for a petition to revive an unintentionally abandoned application is \$1280.00. The aforementioned Deposit Account will be charged \$1280.00 for the petition fee and \$130.00 for the late filing fee.

The addition of the inventor Gregory A. Theis is acknowledged and accepted. See MPEP 201.03¹.

The application is being forward to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to Gregory J. Toatley, Jr. at (703) 305-4066 or to the undersigned at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ MPEP 201.03 Where the first filed executed oath or declaration was filed on or after December 1, 1997, and sets forth an inventive entity which is different from the inventive entity initially set forth at the time of filing of the application, the actual inventorship will be taken from the executed oath or declaration.